



MAIL STOP PETITION  
PATENT  
2907-0104P

RECEIVED

JUN 09 2005

OFFICE OF PETITIONS

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NIEBOER et al. Conf: 1872  
Appl. No.: 09/695,828 Group: 3625  
Filed: October 28, 2000 Examiner: THOMPSON JR, F.  
For: AUTOMATED SYSTEM FOR CONDITIONAL  
ORDER TRANSACTIONS IN SECURITIES OR  
OTHER ITEMS IN COMMERCE

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Mail-Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

3  
June 1, 2005

Sir:

Applicants hereby petition to revive the above-identified application responsive to the Notice of Abandonment dated May 5, 2005 on the grounds that abandonment was unintentional.

In fact, the undersigned never received an official Notice of Allowance. However, in order to expedite issuance of the application, Applicants elect to proceed for relief under 37 C.F.R. 1.137(b) for "unintentional" abandonment.

The issue fee of \$700.00 is enclosed herewith, along with the petition fee of \$750.00.

Appl. No. 09/895,828  
Art Unit: 3825

Since the record clearly shows that this petition is the result of USPTO error, it is respectfully requested that the petition fee be waived. Therefore, please refund the enclosed fee of \$750.00 upon the Examiner's favorable decision.

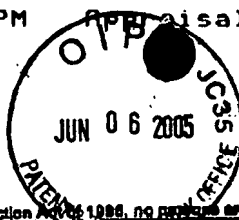
Respectfully submitted,

By *Anthony L. Birch*  
Anthony L. Birch, #26,122

ALB:bb  
2907-104P

6915 Barrett Lane  
Bethesda, MD 20814  
(301) 652-6647

<p><b><u>Certificate of Transmission</u></b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to:</p> <p>Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450</p> <p>Signature: <u><i>Anthony L. Birch</i></u></p> <p>Printed Name: <u>Anthony L. Birch</u></p> <p>Date: <u>6/3/05</u></p>
--



09/695,828

DAC

Approved for use through 07/31/2006. OMB 0831-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no responses are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
2807-104P

First named inventor: Robert Scott Nieboer

Application No.: 09/695,828

Art Unit: 3625

Filed: 10/28/2000

Examiner: THOMPSON JR, FOREST

Title: AUTOMATED SYSTEM FOR CONDITIONAL ORDER TRANSACTIONS IN SECURITIES OR OTHER ITEMS IN COMMERCE

RECEIVED

JUN 09 2005

OFFICE OF PETITIONS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9308

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 5750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of PAYMENT OF THE ISSUE FEE (Identify type of reply):

☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 5700.00

☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

06/07/2005 SLUANG1 00000031 09695828 You need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01 FC:2453

750.00 OP

06/07/2005 SLUANG1 00000031 09695828

01 FC:2453

750.00 OP

PTO/SB/04 (09-04)

Approved for use through 07/31/2006. OMB 0801-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/03).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Anthony L Birch  
Signature

6/3/05  
Date

Anthony Laws Birch  
Typed or printed name

26,122  
Registration Number, if applicable

6915 Barron Lane  
Address

301-652-8847  
Telephone Number

Bethesda, MD 20814  
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

6/3/05  
Date

Anthony L Birch  
Signature

Anthony Laws Birch  
Typed or printed name of person signing certificate